



American Association of
State Highway and
Transportation Officials

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FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY
Wayne Muri, President
Chief Engineer
Missouri Highway
and Transportation
Department

Francis B. Francois
Executive Director

September 17, 1993

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: ET Docket 92-9

Dear Sir or Madam:

Attached are an original and nine copies of a petition for clarification and/or reconsideration of certain sections of the referenced Report and Order. This petition has the support of other public safety organizations, but focuses primarily upon the unique functions of the highway and transportation system and radio user.

Thank you for your consideration of AASHTO's position on this important matter.

Yours truly,

Francis B. Francois
Executive Director

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SEP 20 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Redevelopment of Spectrum to)
Encourage Innovation in the)
Use of New Telecommunications)
Technologies)

ET Docket No. 92-9
RM-7981
RM-8004

A PETITION FOR CLARIFICATION AND/OR RECONSIDERATION BY THE
AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
SPECIAL COMMITTEE ON COMMUNICATIONS

Alan Hull, Chairman

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Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Redevelopment of Spectrum to)	ET Docket No. 92-9
Encourage Innovation in the)	RM-7981
Use of New Telecommunications)	RM-8004
Technologies)	

To: The Commission

Petition

Pursuant to Section 1.429 of the Commission's Rules, the American Association of State Highway and Transportation Officials (AASHTO) hereby submits this Petition for Clarification and/or Reconsideration of the Third Report and Order and Memorandum Opinion and Order (R&O) in ET Docket 92-9, Federal Communications (FCC) 93-351, released August 13, 1993, regarding the above captioned matter.¹

I. Introduction

AASHTO is the national association of the state departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico. Its scope includes all five principal

¹ The R&O was published in the Federal Register on Thursday, September 2, 1993, 58 Fed. Reg. 46547. Thus, this petition is timely filed, being within the specified time period under FCC Rule Sections 1.4(b) and 1.429(d).

transportation modes, and its major purpose is to foster the development, operation and maintenance of an integrated national transportation system.

II. Position Statement

AASHTO, as previously noted in our comments to PR Docket 92-9, agrees that a spectrum allocation for emerging technologies is desirable. AASHTO supports the principle of voluntary relocation and commends the Commission on adopting rules that will provide for the fair and equitable sharing of 2 GHz spectrum in the majority of cases.

AASHTO disagrees with the proposal to assign different levels of importance to Public Safety systems. This proposal, at page two, paragraph three, fails to recognize many aspects of the Highway Maintenance operations and the value of the associated highway maintenance radio systems in minimizing loss of life and property damage. It does not appear to be aware of the following:

1. Highway Maintenance crews are often the first respondents to incidents involving hazardous materials, flammable cargos, and inclement weather, including but not limited to hurricanes, blizzards and earthquakes.

2. The Highway Maintenance Radio Service has always been recognized by the Commission as a Public Safety Radio Service as so indicated in subpart B of Part 90 of the Commission's Rules and Regulations. **There is no change in highway maintenance operations which would dictate that a lower level of importance is warranted.** With the proliferation of the transportation of nuclear and other hazardous materials, the importance of a safe and efficient national transportation system to the protection of life and property is increasing.

3. All public safety operations currently listed under Part 90, Subpart B, support operations that effect the mitigation of loss of life and property. These operations depend upon safe, and passable roads and bridges during times of inclement weather and natural or man-made disasters. Without the efforts of the highway and transportation agencies in providing this safe, and passable transportation system, the police, fire and emergency medical service personnel would be unable to deliver their services.

4. In many states, the official agency charged with responsibility for transportation-related hazardous materials incidents is the department of highways or transportation. The highway agency often works with the

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4. In many states, the official agency charged with responsibility for transportation-related hazardous materials incidents is the department of highways or transportation. The highway agency often works with the

national guard, the Federal Emergency Management Agency or other governmental agencies that provide the majority of response in transporting food and medical supplies to victims of floods, earthquakes, hurricanes, tornadoes, and other natural or man-made disasters.

5. Another aspect of the importance of a safe, efficient, national and local transportation systems is the value of such systems to all participants in economic growth and stability.

6. Highway signaling systems are among the most advanced radio frequency spectrum dependant devices. Without proper traffic control and signaling systems, the safe movement of goods and people would be compromised. Such a compromise would directly contribute to an increase in the loss of life and property. Without traffic signaling systems, even the pedestrian attempting to cross a city street would be in grave danger.

II. Conclusion

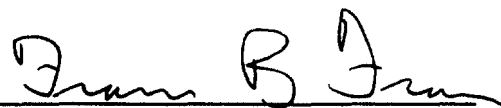
AASHTO supports the Commission's efforts to promote new technologies. Furthermore, AASHTO agrees that voluntary negotiation, resulting in a replacement system as approved by the displaced user having an equivalent or more superior system

performance to the displaced system must be mandated and guaranteed. The total cost for the acquisition and installation of the replacement system must be borne by the new system owner or operator.

AASHTO commends the Commission for recognizing the importance of Public Safety Radio Communications Systems. The Report and Order, ET Docket 92-9, should recognize that all public safety systems and particularly Highway Maintenance Systems are routinely utilized in operations involving safety of life and property.

In consideration of the aforementioned facts, AASHTO respectfully requests that the Commission reconsider and clarify certain sections of the Report and Order. The Commission must continue to recognize that highway maintenance and all other public safety radio services are equally involved in critical operations which affect the loss of life and property.

Respectfully submitted,
American Association of State
Highway and Transportation
Officials, Special Committee
on Communications

By: 
Francis B. Francois
Executive Director,
American Association of
State Highway and
Transportation Officials

CERTIFICATE OF SERVICE

I, Mary Lou Malzone, an administrative assistant with the American Association of State Highway and Transportation Officials, hereby certify that on this 20th day of September, 1993, I have caused a copy of the foregoing "Petition for Clarification and/or Reconsideration" to be sent via first-class United States mail, postage prepaid, to the following:

Dr. Thomas P. Stanley, Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

Bruce A. Franca, Deputy Chief
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7002
Washington, D.C. 20554

David R. Siddall, Esq.
Chief, Frequency Allocation Branch
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7102
Washington, D.C. 20554

Rodney Small
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7332
Washington, D.C. 20554

Fred Thomas
Office of Engineering And Technology
Federal Communications Commission
2025 M Street, N.W., Room 7338
Washington, D.C. 20554

Paul Marrangoni
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7130-J
Washington, D.C. 20554

Damon Ladson
Office of Engineering and Technology
Federal Communications Commission
2025 M Street, N.W., Room 7102
Washington, D.C. 20554

Robert Pepper, Esq., Chief
Office of Plans and Policy
Federal Communications Commission
1919 M Street, N.W., Room 822
Washington, D.C. 20554

Mr. Ralph Haller, Chief
Private Radio Bureau
Federal Communications Commission
2025 M Street, N.W., Room 502
Washington, D.C. 20554

Kathleen Levitz, Acting Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 500
Washington, D.C. 20554

Robert J. Miller, Esq.
Gardere & Wynne
1601 Elm Street, Suite 3000
Dallas, TX 75201
Counsel For Alcatel Network Systems, Inc.

Christopher R. Hardy
Manager, Transmission Planning Services
Comsearch
11720 Sunrise Valley Drive
Reston, VA 22091

William S. Reyner, Jr., Esq.
Hogan & Hartson
555 13th Street, N.W.
Washington, D.C. 20004
Counsel for MRC Telecommunications, Inc.

Jeffrey L. Sheldon, Esq.
Utilities Telecommunications Council
1140 Connecticut Avenue, N.W., Suite 1140
Washington, D.C. 20036

Wayne V. Black, Esq.
Keller & Heckman
1001 G Street, N.W., Suite 500 West
Washington, D.C. 20001
Counsel for American Petroleum Institute

Francine J. Berry, Esq.
AT&T
295 North Maple Avenue, Room 3244J1
Basking Ridge, NJ 07920

Philip V. Otero, Esq.
GE American Communications, Inc.
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Benjamin J. Griffin, Esq.
Reed, Smith, Shaw & McClay
1200 18th Street, N.W.
Washington, D.C. 20036
Counsel for Home Box Office

Gary M. Epstein, Esq.
Latham & Watkins
1001 Pennsylvania Avenue, N.W., Suite 1300
Washington, D.C. 20004
Counsel for Hughes Communications Galaxy, Inc.

Edward E. Reinhart
Chairman, Technical Committee
Satellite Broadcasting and Communications Association
225 Reinekers Lane, Suite 1600
Alexandria, Virginia 22314

Peter J. Loewenstein
Vice President for Distribution
National Public Radio, Inc.
2025 M Street, N.W.
Washington, D.C. 20036

Martin T. McCue, Esq.
General Counsel
U.S. Telephone Association
900 19th Street, N.W., Suite 800
Washington, D.C. 20006-2105

Daniel L. Bart, Esq.
GTE Service Corporation
1850 M Street, N.W., Suite 1200
Washington, D.C. 20036

Albert Halprin, Esq.
Halprin & Goodman
1301 K Street, N.W.
Suite 1020, East Tower
Washington, D.C. 20005
Counsel for Northern Telecom

George Petrutsas, Esq.
Fletcher, Heald & Hildreth
1300 North 17th Street
11th Floor
Rosslyn, Virginia 22209
Counsel for Harris Corporation-Farion Division and
Digital Microwave Corporation

Andrew D. Lipman, Esq.
Swindler & Berlin
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Counsel for Telesciences, Inc.

Eric Schimmel
Vice President
Telecommunications Industry Association
2001 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20006-1813

Margaret deB. Brown, Esq.
Pacific Telesis Group
130 Kearny Street, Room 3659
San Francisco, CA 94108

William L. Roughton, Jr., Esq.
The Bell Atlantic Companies
1710 H Street, N.W.
Washington, D.C. 20006

Jonathon D. Blake, Esq.
Covington & Burling
P.O. Box 7566
Washington, D.C. 20044
Counsel for American Personal Communications

Richard H. Strodel, Esq.
Haley, Bader, & Potts
4350 North Fairfax Drive, Suite 900
Arlington, Virginia 22203-1633
Counsel for Wester Tele-Communications, Inc.

Larry A. Blosser, Esq.
MCI Telecommunications Corp.
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Sambran Sandoval
President
National Spectrum Managers Association, Inc.
P.O. Box 8378
Denver, CO 80201

Michael J. Morris, Esq.
Vice President
SR Telecom, Inc.
8150 Trans-Canada Highway
St. Laurent, Quebec
Canada H3S 1M5

Peter Tannenwald, Esq.
Arent, Fox, Kintner, Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

Henry L. Baumann, Esq.
Executive Vice President and General Counsel
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

Michael D. Kennedy
Director, Regulatory Relations
Motorola, Inc.
1350 Eye Street, N.W., Suite 400
Washington, D.C. 20005

Stuart F. Feldstein, Esq.
Fleischmann & Walsh, P.C.
1400 16th Street, N.W.
Washington, D.C. 20036
Counsel for Associated PCN Company and Associated
Communications of Los Angeles

Thomas J. Keller, Esq.
Verner, Liipfert, Bernhard, McPhearson & Hand, Chartered
901 15th Street, N.W., Suite 700
Washington, D.C. 20005
Counsel for Association of American Railroads and Lower
Colorado River Authority



Mary Lou Malzone